



COURT OPERATIONAL REVIEWS: ARE THEY NECESSARY?

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PURPOSE OF COURT OPERATIONAL REVIEWS?

- ACJA 1-702 authorization
- Accountability
- Operational consistency
- Verify compliance

HOW IS A COURT SELECTED?

- Limited jurisdiction courts
- Amount of time since last review
- Special requests

THE COURT OPERATIONAL REVIEW PROCESS

- Pre-review
 - Fieldwork
 - Analysis and report writing
 - Final report issued
- Follow-up (if necessary)



CASE MANAGEMENT

AREAS OF REVIEW

- General Court Observations
- DUI
- Court Order Enforcement
- Orders of Protection
- Warrants
- Civil Traffic Default
- Civil Default
- Eviction Action
- Misdemeanors-Added as of 9/1/19
- Small Claims-Added as of 1/1/20

GENERAL COURT OBSERVATIONS

Areas Reviewed:

- Language Access Plan (AO2011-96)
- Court staff interpreters are credentialed as Tier 3 or better (AO2016-02)
- Confirm the court's security self-assessment completed within 3 years (AO2017-15)
- Victims rights are posted (ARS§13-4438)

Common Findings:

- Language Access Plan and security self-assessment are out of date
- Interpreters are not credentialed in accordance with the AO
- Judge did not advise the defendant of all pertinent rights during the initial appearance
- Victim's rights are not posted and/or not stated in court by the judge

DUI CASES

Areas Reviewed:

- Review forms, fees, mandatory assessments and local charges
- Mandatory sentencing obligations
- Timely and accurate dispositions to MVD and DPS
- Mitigation applied in accordance with statute

Common Findings:

- A financial form is not used to appoint counsel and/or financial form does not contain all the required elements
- Plea agreement not signed by all three parties
- Incarceration fees not assessed and/or waived
- Not ordering the defendant to attend alcohol screening in all DUI cases

COURT ORDER ENFORCEMENT

Areas Reviewed:

- Monetary Enforcement/Timeliness
- Non-monetary Enforcement/Timeliness

Common Findings

- Delays in taking timely action
- No local court policy

ORDERS OF PROTECTION

Areas Reviewed:

- Forms- **Plaintiff Information Sheet and Service of Process Information Form** NEW as of 1/1/2020
- Setting hearings upon request of defendant
- Proof of Service and Protective Order to sheriff
- Brady Notification

Common Findings:

- Forms used not supreme court approved
- Delays in setting hearings
- Brady notification not accurately reported

WARRANTS

Areas Reviewed:

- Proper issuance of warrants
- Timeliness from non-compliance
- Warrant Fees
- Docketing

Common Findings:

- Issuing warrants without a complaint being filed
- No policy for issuance
- Not assessing the local warrant fee when applicable
- Not assessing the statutorily required \$125.00 warrant fee when applicable

CIVIL TRAFFIC DEFAULTS

Areas of Review:

- Timeliness
- Disposition Reporting to MVD
- Entering Dispositions for all charges

Common Findings:

- Not correctly entering assessments accurately in CMS
- Not entering defaults timely after a failure to appear
- Untimely disposition reporting to MVD

CIVIL AND EVICTION ACTIONS

Areas Reviewed:

- Timeliness in ruling on motions
- Timeliness in eviction hearings

Common Findings:

- Untimely entry of default judgments
- Notices of Dismissal from Court to plaintiff

NOTE: Effective 11/12/2019- Revised Residential Eviction Information Sheet should be included in eviction packets

MISDEMEANORS

Areas Reviewed:

- Diversion Programs
- Mitigation in accordance with statutes
- Assessment of fees
- DPS Reporting when applicable

Common Findings:

- Stay Tuned!

SMALL CLAIMS

Areas Reviewed:

- Hearing scheduled timely
- Case dismissals in accordance with rules

Common Findings:

- Untimely entry of default judgments
- Notices of Dismissal from Court to plaintiff



FINANCIAL MANAGEMENT

AREAS OF REVIEW

- Receipting
- Disbursements
- Reconciliations
- Security of monies
- Independent Review
- MAS Checklist
- Financial Policies

RECEIPTING

Areas Reviewed:

- Manual Receipts
- Voided Receipts
- Issued Receipts
- Hold Receipts (AJACS courts)

Common Findings:

- Not reviewed by 2nd person
- Receipt voided in CMS by person who issued
- Not quarterly reviewing unissued manual receipts
- Issued receipts missing required elements

DISBURSEMENTS

Areas Reviewed:

- Disbursements: Restitution, Bond, Overpayments
- Disbursement Journals

Common Findings:

- Not verified by a 2nd person
- Untimely disbursements
- Disbursements not recorded in CMS
- Checks not voided in CMS
- Not reviewing checks outstanding over 6 months on a monthly basis

RECONCILIATIONS

Areas Reviewed:

- Daily Reconciliation
- Monthly Reconciliation
- Outstanding Bond Reconciliation
- Monthly Remittance Reports

Common Findings:

- Reconciliations not verified by a 2nd person
- Court change fund not reconciled daily
- Clerk's change fund not counted and verified before usage
- Bonds outstanding over 90 days not reviewed

ADMINISTRATIVE

Areas Reviewed:

- Security of Monies
- Triennial Independent Review
- MAS Compliance Checklist
- Financial Policies

Common Findings:

- Court's safe is movable
- Clerks not securing monies during the day
- Independent review not timely conducted
- Independent review final report not date stamped by the court
- Court does not have financial policies for all the financial processes

HOW TO PREPARE FOR AN OPERATIONAL REVIEW

- Start today!
- Self-evaluation of the court's current practices and procedures
 - Do the court's policies align with its practices and procedures?
 - Is the court using forms approved by the supreme court?
 - Do the court's financial practices line up with the Minimum Accounting Standards?

HOW TO PREPARE FOR AN OPERATIONAL REVIEW

- Does the court have a statement posted advising victims of their constitutional rights as provided by statute?
- Is the court in compliance with the court security standards established by AO2017-15?
- Does the court have a language access plan in accordance with AO2011-96?
- Is the court in compliance with ACJA § 5-208: Operational Standards for Interactive Audiovisual Proceedings in Criminal Cases?

RESOURCES

- DUI Sentencing Guide (eff. January 1, 2019)
<http://ajinweb/acap/BulletinBoard/2019/DUI%20Sentencing%20Chart%20and%20Juvenile%20Sentencing%20Chart-%20Eff%201-1-19.pdf>
- Be familiar with your own local fees and ordinances (jail fees, default fees, court enhancement fees, how state surcharges are applied)
- Further assistance provided by the Court Answer Line (“CAL”) Requests should be submitted through Remedy Force or by contacting the AOC Support Center (1-855-229-3900)

NEED MORE INFORMATION?

- For additional information regarding court operational reviews, please view our short video titled “What to expect, How to prepare”
http://supremestateaz.granicus.com/MediaPlayer.php?publish_id=a1ce07af-5bfe-11e5-ab53-00219ba2fo17
- Court Operations webpage:
<http://ajinweb/csd/COU.htm>
<https://www.azcourts.gov/courtservices/Court-Operations-Unit>

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THANK-YOU!